

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

Lawrence Morelock,

Plaintiff,

v.

Charmaine Yap,

Defendants.

Case No. 2:22-cv-01936-RFB-BNW

ORDER

Pro se Plaintiff Lawrence Morelock brings several complaints before the Court. Morelock submitted the affidavit required by 28 U.S.C. § 1915(a) showing an inability to prepay fees or costs or give security for them. ECF No. 6-6. Accordingly, the Court will grant his request to proceed *in forma pauperis*. The Court now screens his complaint.

I. ANALYSIS

A. Screening standard

Upon granting a request to proceed *in forma pauperis*, a court must screen the complaint under 28 U.S.C. § 1915(e)(2). In screening the complaint, a court must identify cognizable claims and dismiss claims that are frivolous, malicious, fail to state a claim on which relief may be granted or seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). Dismissal for failure to state a claim under § 1915(e)(2) incorporates the standard for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012). To survive § 1915 review, a complaint must “contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). The court liberally construes pro se complaints and may only dismiss them “if it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.” *Nordstrom v. Ryan*, 762 F.3d 903, 908 (9th Cir. 2014) (quoting *Iqbal*, 556 U.S. at 678).

1 In considering whether the complaint is sufficient to state a claim, all allegations of
2 material fact are taken as true and construed in the light most favorable to the plaintiff. *Wylar*
3 *Summit P'ship v. Turner Broad. Sys. Inc.*, 135 F.3d 658, 661 (9th Cir. 1998) (citation omitted).
4 Although the standard under Rule 12(b)(6) does not require detailed factual allegations, a plaintiff
5 must provide more than mere labels and conclusions. *Bell Atlantic Corp. v. Twombly*, 550 U.S.
6 544, 555 (2007). A formulaic recitation of the elements of a cause of action is insufficient. *Id.* But
7 unless it is clear the complaint's deficiencies could not be cured through amendment, a pro se
8 plaintiff should be given leave to amend the complaint with notice regarding the complaint's
9 deficiencies. *Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995).

10 **B. Screening the Complaint**

11 Given the number of complaints filed, it is unclear which facts the Court should rely upon
12 to determine whether a claim for relief has been alleged or which defendants the Court should
13 consider. *See* ECF No. 6, 6-1, 6-2, 6-3, 6-4, 6-5. Even liberally construing Plaintiff's complaint,
14 the Court is unable to determine exactly what claims Plaintiff is attempting to allege against
15 which defendants and cannot evaluate whether Plaintiff states any claims for relief. Accordingly,
16 the Court will dismiss Plaintiff's complaint without prejudice and with leave to amend to file a
17 more manageable complaint. *See Dietz v. Bouldin*, 136 S.Ct. 1885, 1891 (2016) (holding that the
18 Supreme Court "has long recognized that a district court possesses inherent powers that are
19 'governed not by rule or statute but by the control necessarily vested in courts to manage their
20 own affairs so as to achieve the orderly and expeditious disposition of cases.'"). To help Plaintiff
21 file a properly formatted complaint, the Court advises Plaintiff of the following requirements
22 under the Federal Rules of Civil Procedure. Plaintiff is also advised that failure to comply with
23 these rules when drafting and filing his next amended complaint will result in a recommendation
24 that this action be dismissed.

25 First, Plaintiff is advised that he must specify which claims he is alleging against which
26 defendants. Although the Federal Rules of Civil Procedure adopt a flexible pleading policy,
27 Plaintiff still must give defendants fair notice of each of the claims he is alleging against each
28 defendant. Specifically, he must allege facts showing how each named defendant is involved and

1 the approximate dates of their involvement. Put another way, Plaintiff should tell the Court, in
2 plain language, what each defendant did to him and when. “While legal conclusions can provide
3 the framework of a complaint, they must be supported with factual allegations.” *Ashcroft v. Iqbal*,
4 556 U.S. 662, 679 (2009).

5 Second, Plaintiff’s amended complaint must be short and plain. The simpler and more
6 concise Plaintiff’s complaint, the easier it is for the Court to understand and screen it. The Federal
7 Rules also require this. Under Federal Rule of Civil Procedure 8, Plaintiff’s amended complaint
8 must contain “a short and plain statement of the claim showing that [Plaintiff] is entitled to
9 relief.” Fed. R. Civ. P. 8(a)(2). “Each allegation must be simple, concise, and direct.” Fed. R.
10 Civ. P. 8(d)(1). “A party must state its claims or defenses in numbered paragraphs, each limited
11 as far as practicable to a single set of circumstances.” Fed. R. Civ. P. 10(b). “[E]ach claim
12 founded on a separate transaction or occurrence . . . must be stated in a separate count.” *Id.*

13 Third, Plaintiff may not raise multiple unrelated claims in a single lawsuit. The Federal
14 Rules of Civil Procedure do not permit a litigant to raise unrelated claims involving different
15 defendants in a single action. A basic lawsuit is a single claim against a single defendant. Federal
16 Rule of Civil Procedure 18(a) allows a plaintiff to add multiple claims to the lawsuit when those
17 claims are against the same defendant. Federal Rule of Civil Procedure 20(a) allows a plaintiff to
18 add multiple parties to a lawsuit where the right to relief arises out of the “same transaction,
19 occurrence, or series of transactions or occurrences.” Fed. R. Civ. P. 20(a)(2)(A). “However,
20 unrelated claims that involve different defendants must be brought in separate lawsuits.” *Bryant v.*
21 *Romero*, No. 1:12-CV-02074-DLB PC, 2013 WL 5923108, at *2 (E.D. Cal. Nov. 1, 2013) (citing
22 *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007)). This rule is intended to avoid confusion,
23 which arises out of bloated lawsuits.

24 Lastly, Plaintiff’s amended complaint must be complete in and of itself. If Plaintiff
25 chooses to file an amended complaint, he is advised that an amended complaint supersedes the
26 original complaint and, thus, the amended complaint must be complete by itself. *See Hal Roach*
27 *Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that
28 “[t]he fact that a party was named in the original complaint is irrelevant; an amended pleading

1 supersedes the original”); *see also Lacey v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012)
2 (holding that for claims dismissed with prejudice, a plaintiff is not required to reallege such
3 claims in a subsequent amended complaint to preserve them for appeal). Plaintiff’s amended
4 complaint must contain all claims, defendants, and factual allegations that Plaintiff wishes to
5 pursue in this lawsuit. Moreover, Plaintiff must file his amended complaint on this Court’s
6 approved form, which the Clerk of Court will send Plaintiff.

7 **II. CONCLUSION**

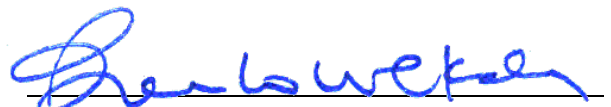
8 IT IS THEREFORE ORDERED that Plaintiff’s complaint (ECF No. 6) is dismissed
9 without prejudice and with leave to amend.

10 IT IS FURTHER ORDERED that the Clerk of Court shall mail Plaintiff a copy of the pro
11 se form complaint.

12 IT IS FURTHER ORDERED that if Plaintiff chooses to amend his complaint, he must do
13 so by January 31, 2023. If Plaintiff chooses not to amend his complaint, this Court will
14 recommend that his case be dismissed.

15 IT IS FURTHER ORDERED that Plaintiff’s application to proceed *in forma pauperis*
16 (ECF No. 6-6) is GRANTED.

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18 DATED: January 3, 2023

19 
20 BREND A WEKSLER
21 UNITED STATES MAGISTRATE JUDGE
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